

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

KENNETH SAINTES

CASE NO. 6:24-CV-01604

VERSUS

**JUDGE ROBERT R.
SUMMERHAYS
MAGISTRATE JUDGE CAROL B.
WHITEHURST**

**SOCIAL SECURITY
ADMINISTRATION**

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, after an independent review of the record, noting the absence of any objection, and having determined that the findings and recommendations are correct under the applicable law;

IT IS ORDERED that, consistent with the Report and Recommendation, the Commissioner's decision should be REVERSED and REMANDED to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g).¹ More particularly, the Commissioner is instructed to again evaluate the claimant's residual functional capacity, and to specifically consider whether he qualifies for a sedentary RFC in light of his need for a cane and Dr. Rosenzweig's opinions. The claimant

¹ A fourth sentence remand constitutes a final judgment that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292 (1993); *Freeman v. Shalala*, 2 F.3d 552, 553 (5th Cir. 1993).

should be afforded the opportunity to submit updated medical evidence and to testify at another hearing.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 16th day of July, 2025.

A handwritten signature in black ink, appearing to read 'R. Summerhays', written over a horizontal line.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE